

IN SENATE OF THE UNITED STATES.

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MAY 5, 1836.

Read, and ordered to be printed.

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Mr. TOMLINSON made the following

REPORT,

WITH SENATE BILL NO. 241.

*The Committee on Pensions, to whom was referred the petition of Jacob Slough, report :*

That the papers exhibited to the committee satisfactorily prove that the petitioner was a captain of infantry, under the command of General Anthony Wayne, in the memorable battle with the Indians, on the 20th of August, 1794; and that while gallantly advancing at the head of his company, he was dangerously wounded by "a rifle ball, which passed through the right hypochondriac region, wounding the liver, diaphragm, and the right lobe of the lungs, and was extracted about two inches below the scapula, near the spine," on the day of the battle.

The petitioner presents that, in consequence of the wound aforesaid, he has been "incapable of procuring a living by manual labor, ever since the passage of the act of the 28th of April, 1808, concerning invalid pensioners, but that he did not make an immediate application to secure the allowance to which his disability entitled him, because he was not aware of the provision requiring every pension to commence on the day when the claimant shall have completed the testimony in support of his claim. Having the means of a comfortable support, he consequently omitted to make an application for the benefit of that act until the year 1824, when he was placed on the pension roll, with the allowance of twenty dollars per month, which was the full pension of a captain of the infantry, according to the existing law. Being in reduced circumstances, and more than seventy years old, he now solicits Congress to authorize the Secretary of War to allow and pay to him a pension from the date of the aforesaid act, to the time when his present allowance commenced.

After a careful examination of the case, the committee are satisfied that the gallant conduct and the great sufferings of the petitioner, in the public service, entitle him to much respect and sympathy. They however feel it to be incumbent on them not to relax their rule to disallow arrears of pension in any case where the failure to receive the stipend has resulted merely from the neglect or misapprehension of the applicant. If the

petitioner had chosen to avail himself of the provisions of the act of May 25th, 1808, and adduced the evidence properly required in such cases, he undoubtedly would have received its benefits. Still, inasmuch as he omitted to present his case to the proper officer of the Government, in conformity with the law, which he might easily have done, the committee consider his claim for a pension during the period of such omission as voluntarily relinquished, and think it should not be revived and allowed at this time.

They are the more inclined to refuse the relief solicited by the petitioner, for the reason that its allowance would form a precedent which could hardly fail to lead to a re-examination of a vast number of similar cases on file in the War Department, and would probably occasion a very large expenditure.

Notwithstanding the committee have come to the conclusion that the petitioner ought not to be allowed any arrearage of pension, they deem him entitled to relief on other and distinct grounds. Among the papers in the case, is an affidavit of two physicians, certified to be highly respectable, stating that the petitioner "is entirely incapacitated for any kind of labor or business, and that he experiences increasing pain in the right side and palpitations of the heart, rendering medical attendance indispensable to his safety." In consideration of the petitioner's increased and increasing disability and distress, and the expense which he must consequently incur in procuring medical assistance, the committee deem it just to augment his pension so as to meet such extra expense and to furnish the worthy veteran a competent support during the residue of his life. They accordingly report a bill to allow him thirty dollars a month, in lieu of the pension he is now entitled to receive.



